IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 58 of 2007()

OR.NO.3/03 OF OLAVAKKODE FOREST RANGE.

: PETITIONER/ACCUSED:

SUNNY, S/O.JOSE,
KOLADI HOUSE, MUNNEKKER, MANNARKKAD.

BY ADV. SRI.NAGARAJ NARAYANAN

RESPONDENT: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.58 OF 2007

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DATED THIS THE 9th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the second accused in O.R.No.3/03 of Olavakkode Forest Range for offences punishable under sections 27(1)(e) of the Kerala Forest Act and section 9 of the Wild Life Protection Act, 1972 for allegedly killing a wild elephant and removing its tusk, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that consequent on the confession made by the first accused in the case on 17.5.2003 to the effect that the petitioner was also among him while poaching the elephant, the petitioner was arrayed as an accused in the case.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn